



W.P.No.39584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.39584 of 2024

S.Nagarajan

... Petitioner

..Vs..

1. The Principal Home Secretary to Government,
Home (Courts – VI) Departments,
Fort St.George, Chennai – 600 009.

2. The Director of Prosecution,
Tamil Nadu Urban Habitat,
Development Board Annexe Building,
1st Floor, No.5, Kamarajar Salai,
Chennai – 600 005.

3. The Deputy Director of Prosecution,
Coimbatore Region, Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 06.11.2024 and disburse the subsistence allowance from February 2023 onwards, pending disposal of the criminal appeal.



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For Petitioner : Mr. C.Johnson
For Respondents : Mr. Yogesh Kannadasan,
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed directing the respondents to consider the representation of the petitioner dated 06.11.2024 and disburse the subsistence allowance from February 2023 onwards, pending disposal of the criminal appeal.

3. The case of the petitioner is that the petitioner was appointed as an Assistant Public Prosecutor Grade-II on 02.04.1986. During his employment, the Vigilance and Anti-Corruption Department registered a case against the petitioner. The case was charge-sheeted and finally numbered as Special CC.No.2 of 2019 on the file of the learned Judicial Magistrate, Tiruppur. Thereafter, the petitioner was placed under suspension and not permitted to retire from service, as the criminal case



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was pending. However, the petitioner was paid subsistence allowance until January 2023. Subsequently, the petitioner was convicted by the Trial Court and punishments were imposed. Aggrieved by the same, the petitioner filed an appeal in CrI.A.No.430 of 2023 before this Court. This Court suspended the sentence imposed by the Trial Court and granted bail pending the appeal before this Court. However, the respondents failed to pay the subsistence allowance to the petitioner from February 2023, even before the date of conviction and sentence. Hence, the petitioner made a representation to the first respondent on 06.11.2024, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to consider the case of the petitioner and pass orders.

5. The learned Special Government Pleader appearing for the respondents submitted that the respondents will consider the representation of the petitioner, dated 06.11.2024, in accordance with law, within a time frame fixed by this Court.



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6. Considering the limited relief sought for in the petition, without expressing any opinion on merits of the writ petition, the respondents are directed to consider the representation dated 06.11.2024 made by the petitioner and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.

No costs.

03.01.2025

Index : Yes/No

Internet : Yes/No

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To

1. The Principal Home Secretary to Government,
Home (Courts – VI) Departments,
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2. The Director of Prosecution,
Tamil Nadu Urban Habitat,
Development Board Annexe Building,



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3. The Deputy Director of Prosecution,
Coimbatore Region, Coimbatore.



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V.BHAVANI SUBBAROYAN,J.

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